100 Fifth Street, SE
Washington, D.C. 20003
April 29, 2004

Jerrily R. Kress, Director
Office of Zoning and
Geoffrey H. Griffis, Chairman
Board of Zoning Adjustment
441 Fourth Street, NW
Washington, D.C. 20001

Re: Request for reconsideration of BZA Case #17079, Mark Lee Phillips

Dear Ms. Kress and Mr. Griffis:

The Board of Zoning Adjustment issued its Decision and Order regarding this case on April 19, 2004. This letter is a formal request that the Board of Zoning Adjustment reconsider the aforementioned case and rescind the order.

The Board of Zoning Adjustment correctly decided that a special exception is required to increase the use of the subject Bed & Breakfast from two to four rooms. The Board of Zoning Adjustment did not, however, accord the ANC 6B decision opposing the special exception (7-1-1 vote) the "great weight" required under the statute, but instead merely paid lip-service to that statutory requirement. The BZA likewise ignored the Capitol Hill Restoration Society's unanimous decision to oppose the special exception, as well as the wishes of 156 tax payers and voters in the contiguous neighborhood opposing the special exception, and Ward 6 Councilmember Sharon Ambrose's opposition to this special exception. The Board of Zoning Adjustment admitted they gave great weight to the recommendation of the Office of Planning, but that decision was a reversal of their earlier opposition to the special exception, did not address any concerns other than parking, and was based on inconclusive information since the Capitol Hill Planning Officer in that very office was not even consulted during the process.

Furthermore, the applicant did not satisfy the burden of proof with respect to the application. Testimony on the day of the public hearing and information submitted for the record established the adverse impact on the neighbors if this special exception was granted. The Board of Zoning Adjustment chose to ignore that information, and instead of giving great weight to the ANC recommendation, *as they are required to do*, BZA "credited" the disputed, uncorroborated and self-serving testimony of the applicant that the expansion would not affect parking and noise, or otherwise adversely affect the neighbors.

The BZA also chose to disregard information brought to its attention concerning misrepresented and false information submitted by the applicant and his attorney in order to influence the outcome of a quasi-judicial proceeding. We ask that you consider the entire record, rescind this order, and deny the special exception.

Sincerely,

Gene Ber

BZA
Case No. 17079
Exhibit No. 86

Board of Zoning Adjustment
District of Columbia
CASE NO. 17079
EXHIBIT NO. 86

FAXED 4/30/04
morning of

FAX

To: FAX 202-727-6072
Phone 202-727-6311

Jerrily R. Kress, Director
Office of Zoning

and

Geoffrey H. Griffis, Chairman
Board of Zoning Adjustment
441 Fourth Street, NW
Washington, D.C. 20001

Re: Request for reconsideration of BZA Case #17079, Mark Lee Phillips

From: Gene Berry
Phone 202-707-6710